UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. '08 MJ 1150
v.	)	COMPLAINT FOR VIOLATION OF:
Homer PABLO	)	Title 8, U.S.C., Section 1326;
Defendant.	)	Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **November 30 2007**, within the Southern District of California, defendant, **Homer Pablo**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Lisette Guzman, Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **APRIL 2008.**

UNITED STATES MAGISTRATE JUDGE

AUSA KKD

PROBABLE CAUSE STATEMENT

On November 30, 2007, the defendant identified as **Homer PABLO** was arrested in Escondido, California by the Escondido Police Department for violation of 1203.2(a)PC "PROBATION VIOLATION" and booked into Vista Jail. On November 30, 2007, a Special Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On Monday, April 14, 2008, at approximately 8:00 a.m. the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about October 09, 2007 and physically removed to Mexico on or about October 09, 2007 via the San Ysidro Port of Entry. Record checks and statement made by defendant further indicate that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Homer PABLO a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the English language at approximately 10:50 a.m. The defendant acknowledged his rights per "MIRANDA", waived those rights and elected to answer question without counsel present. The defendant admitted that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant admitted that he unlawfully entered the United States on or about November 10, 2007 at an unknown location by walking. The defendant further admitted that he has no legal right to enter or reside in the United States.